

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, SEPTEMBER 16, 2002 AT 2:00 P.M.  
TABLE OF CONTENTS**

**SPECIAL ORDERS OF BUSINESS**

ITEM-30:	Approval of Council Minutes. ....	<a href="#"><u>3</u></a>
ITEM-31:	Strikeout AIDS Night at the Ballpark Day. ....	<a href="#"><u>3</u></a>
ITEM-32:	David Valladolid Day. ....	<a href="#"><u>4</u></a>
ITEM-33:	Purple Ribbon Campaign. ....	<a href="#"><u>4</u></a>

REQUESTS FOR CONTINUANCE .....	<a href="#"><u>5</u></a>
--------------------------------	--------------------------

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:**

* ITEM-50:	District Cooling Purchase for Crabtree Building. ....	<a href="#"><u>6</u></a>
* ITEM-51:	Establishment of Residential Permit Parking in Barrio Logan (Area D). ....	<a href="#"><u>6</u></a>
* ITEM-52:	Removal of Parking Meters and Establishing a Two (2) Hour Un-Metered Parking Zone on the Eastside of 2 <sup>nd</sup> Avenue between Olive Street and Nutmeg Street. ....	<a href="#"><u>7</u></a>
* ITEM-53:	Sale of Surplus Motive Equipment to the City of Tijuana. ....	<a href="#"><u>8</u></a>
* ITEM-54:	License Agreement with Ricochet Networks, Inc. ....	<a href="#"><u>8</u></a>
* ITEM-55:	Wetlands Advisory Board. ....	<a href="#"><u>9</u></a>

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

* ITEM-100:	South Bay Reclamation Sewer and Pump Station, BSI Amendment No. 4. ....	<a href="#"><u>9</u></a>
* ITEM-101:	Lake Hodges Water Easement. ....	<a href="#"><u>11</u></a>
* ITEM-102:	Funding for Harbor Drive/Railroad Crossing	

Bikeway Improvements. ....	<a href="#">12</a>
* ITEM-103: Additional Funding for South Bay Water Reclamation Plant. ....	<a href="#">13</a>
* ITEM-104: <u>Two</u> actions related to Water & Sewer Group Job 90 - Change Order No. 3 and Contingency. ....	<a href="#">15</a>
* ITEM-105: Amending the 2002 Legislative Calendar to schedule a Night City Council Meeting on September 23, 2002 at 5:00 p.m. ....	<a href="#">17</a>
* ITEM-106: Lawsuit Abuse Awareness Week. ....	<a href="#">17</a>
* ITEM-107: Save the Bay Day. ....	<a href="#">18</a>
* ITEM-108: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. ....	<a href="#">18</a>
* ITEM-109: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region. ....	<a href="#">19</a>
* ITEM-110: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV). ....	<a href="#">19</a>
* ITEM-111: Ebony Pride Day. ....	<a href="#">20</a>

#### ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

##### RESOLUTIONS:

ITEM-200: Metropolitan Operations Center (MOC) Photovoltaic System: Award Design/Build Contract. ....	<a href="#">20</a>
ITEM-201: Approval of Documents - Water System Financing Program. ....	<a href="#">22</a>

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, SEPTEMBER 16, 2002 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

-----

ITEM-1:                   ROLL CALL.

ITEM-10:                 INVOCATION.

ITEM-20:                 PLEDGE OF ALLEGIANCE.

**SPECIAL ORDERS OF BUSINESS**

ITEM-30:    Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

08/06/2002 (To re-adopt with Councilmember Inzunza's amendment to his motion for Item 330)  
08/12/2002 Adjourned  
08/13/2002 Adjourned  
08/19/2002 Adjourned  
08/20/2002 Adjourned  
08/26/2002 Adjourned  
08/27/2002 Adjourned  
09/02/2002 Adjourned

**SPECIAL ORDERS OF BUSINESS**

ITEM-31:    Strikeout AIDS Night at the Ballpark Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-352)

Recognizing Strikeout AIDS and the various local and national sponsors for their efforts to help educate the community about HIV and AIDS with the Strikeout AIDS Night at the Ballpark in San Diego on September 18, 2002;

Proclaiming September 18, 2002 to be “Strikeout AIDS Night at the Ballpark Day” in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

ITEM-32: David Valladolid Day.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-254)

Commending Mr. David Valladolid for his contributions to the City of San Diego;

Proclaiming September 16, 2002 to be “David Valladolid Day” in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

ITEM-33: Purple Ribbon Campaign.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-311)

Commending the Purple Ribbon Campaign for its efforts to create a safe environment for the children of San Diego, and proclaiming August 23 through September 23, 2002 as “Purple Ribbon Month” in the City of San Diego.

**SUPPORTING INFORMATION:**

On August 23, 2002, the City of San Diego, San Diego Fire & Life Safety Services and San Diego Medical Services Enterprise, joined with 4 R Kids Sake to kick off the “Purple Ribbon Campaign” in the City of San Diego.

Summer is a time for families to gather to enjoy recreational time together, it is also a time for

parents and caregivers to run errands in hot weather, sometimes forgetting their most important cargo, their child in the back seat. Summer is also a time for children to be outdoors playing and riding bicycles on sidewalks and driveways, it is also a time for extreme caution when backing-up vehicles to prevent accidentally hitting an unseen child.

San Diego Fire & Life Safety Services and San Diego Medical Services Enterprise are dedicated to protecting our children from preventable injuries in and around cars, through awareness, education, legislation and prevention. It takes an entire community to keep our children safe from preventable injuries in and around cars; parents and caregivers, fire and law enforcement, schools, hospitals, health care workers, child care providers, libraries, community-based organizations, businesses, everyone that influences our children's safety, must come together to protect our children.

The "Purple Ribbon Campaign" is intended to educate and raise public awareness of the dangers of leaving a child unattended in or around a car through the wearing of purple lapel ribbons, purple ribbons tied on trees, neighborhood mailboxes and vehicle antennas, the distribution and posting of flyers and posters; PSA billboards and safety presentations to reach our goal of reducing and ultimately eliminating children being left unattended in and around cars and the serious injuries and sometimes death that result.

Therefore, be it resolved that Council of the City of San Diego, on behalf of the citizens of San Diego, commends the Purple Ribbon Campaign for its efforts to create a safe environment for the children of San Diego, and hereby proclaims August 23 through September 23, 2002 as "Purple Ribbon Month" in the City of San Diego.

Maienschein/BE

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

### **CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*).

### **ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, 52, 53, 54 and 55.

**ORDINANCES TO BE INTRODUCED:**

None.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110 and 111.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

\* ITEM-50: District Cooling Purchase for Crabtree Building.

(Downtown Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/3/2002 (Council voted 9-0):

(O-2003-38)

Authorizing the City Manager to execute a Chilled Water Supply Agreement with NRG Energy Center San Diego LLC, to provide chilled water to the Crabtree Building located at 303 A Street, San Diego, for a period of seven years, with an option for up to two 5-year extensions, under the terms and conditions set forth in the Chilled Water Supply Agreement.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

\* ITEM-51: Establishment of Residential Permit Parking in Barrio Logan (Area D).

(Barrio Logan Community Area. District-8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/3/2002 (Council voted 9-0):

(O-2003-40)

Authorizing Residential Permit Parking in the Barrio Logan Area (Area D), effective from 8:00 a.m. to 6:00 p.m., Monday through Friday, on the following streets:

2000 block of Logan Avenue (south side)  
    between Evans Street and the existing Alley (132 ft.)  
2000 block of National Avenue (south side)  
    between Dewey Street and Evans Street  
2000 block of Newton Avenue (north side)  
    between Dewey Street and Evans Street  
1000 block of Evans Street (north side and south side)  
    Newton Avenue and National Avenue  
1100 block of Evans Street (east side)  
    between the Alley and Newton Avenue (126 ft.)  
2100 block of National Avenue (north side and south side)  
    between Evans and Sampson Street  
2100 block of Newton Avenue (north side)  
    between Evans and Sampson Street  
2200 block of Newton Avenue (north side)  
    between Sampson Street and Sicard Street  
1000 block of S. 26th Street (east side)  
    between the Alley and Newton Avenue  
1000 block of S. 26th Street (west side)  
    between National Avenue and Newton Avenue  
2600 block of Newton Avenue (north side and south side)  
    between 26th Street and 27th Street  
1100 block of 27th Street (west side)  
    between the Alley and Boston Avenue  
2800 block of Boston Avenue (north side and south side)  
    between 28<sup>th</sup> Street and 29th Street  
2900 block of Boston Avenue (south side)  
    between 29th Street and 30th Street  
1200 block of 30th Street (west side)  
    between Main Street and Boston Avenue  
1000 block of Sicard Street (west side)  
    between the Alley and Newton Avenue

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- \* ITEM-52: Removal of Parking Meters and Establishing a Two (2) Hour Un-Metered Parking Zone on the Eastside of 2<sup>nd</sup> Avenue between Olive Street and Nutmeg Street.

(Middletown Community Area. District-2.)

### **CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/3/2002 (Council voted 9-0):

(O-2003-47)

Removing parking meters, and establishing a two-hour un-metered parking zone on the eastside of 2<sup>nd</sup> Avenue between Olive Street and Nutmeg, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and holidays excepted.

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

### **ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-53: Sale of Surplus Motive Equipment to the City of Tijuana.

### **CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/3/2002 (Council voted 9-0):

(O-2003-48)

Approving the sale of the following surplus equipment to the City of Tijuana for \$56,900:

<u>TYPE</u>	<u>QUANTITY</u>	<u>PRICE</u>	<u>TOTAL</u>
1994 Ford Crown Victoria Patrol Car	5	\$2,800	\$14,000
1995 Ford Crown Victoria Patrol Car	7	\$3,300	\$23,100
1996 Ford Crown Victoria Patrol Car	3	\$3,600	\$10,800
1993 Kawasaki Motorcycle	2	\$1,500	\$ 3,000
1997 Kawasaki Motorcycle	3	\$2,000	\$ 6,000
<b>Total:</b>			<u><u>\$56,900</u></u>

### **ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

\* ITEM-54: License Agreement with Ricochet Networks, Inc.

### **CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/3/2002 (Council voted 9-0):



(O-2003-58)

Authorizing the City Manager to execute an Exclusive Ricochet Pole Top Radio and Wired Access Point (WAP) Equipment License and Nonexclusive Pole Top Use Agreement between the City of San Diego and Ricochet Networks, Inc.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

\* ITEM-55: Wetlands Advisory Board.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/3/2002 (Council voted 9-0):

(O-2003-33)

Amending Chapter 2, Article 6, Division 1, by amending Sections 26.1001 and 26.1002 relating to Wetlands Advisory Board.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-100: South Bay Reclamation Sewer and Pump Station, BSI Amendment No. 4.

(See memorandum from Scott Tulloch dated 7/24/2002. Nestor/Palm City, San Ysidro and Tijuana River Valley Community Areas. District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-304)

Authorizing the City Manager to execute Amendment No. 4 to an existing agreement with BSI, Inc. to assist the City in evaluating the performance of the pump station and preparing a process performance and capability report and to prepare a Spill Prevention Control Plan for Hazardous Materials for the South Bay Reclamation Sewer and Pump Station for an amount not to exceed \$20,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from Fund No. 41509, CIP-42-910.6, South Bay Water Reclamation Plant, to Fund No. 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station;

Authorizing the additional expenditure of an amount not to exceed \$50,000 from Fund No. 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station in the following manner: (1) an amount not to exceed \$20,000 for Amendment No. 4; and (2) an amount not to exceed \$30,000 for related City costs.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

On June 12, 1995, the City Council approved a contract with BSI, Inc. for design and construction services, in the amount of \$1,661,937, for the South Bay Reclamation Sewer and Pump Station, which conveys wastewater to the South Bay Water Reclamation Plant (SBWRP). Subsequently, three amendments were approved to provide design and construction related services for the expansion of the pump station to accommodate the expansion of the SBWRP, to provide enhanced odor control, and to provide for startup and testing of the pump station. BSI's total contract is currently \$2,651,937.

Construction of the pump station is complete, and the plant is in the start-up phase. This project received a \$2.1 million construction grant from the Environmental Protection Agency. As a condition of that grant, Section 2.4(d) of the Clean Water Act requires that the owner of wastewater treatment facilities constructed with Construction Grant Program funds certify that their facilities meet performance standards by evaluating the operation for a one-year period. This action is to request Amendment No. 4 to BSI's contract to provide assistance to the City in evaluating the performance of the pump station and preparing a process performance and capability report and to prepare a Spill Prevention Control Plan for Hazardous Materials, as required by the State Water Resources Control Board. BSI, as designer of the pump station, has unique knowledge of the facility and can most efficiently perform these two tasks. The cost for Amendment No. 4 is \$20,000.

Additional funds of \$30,000 are also required for City administrative costs, to provide for closeout of the project, oversight of the one-year certification, clean-up of the area downstream of Nestor Creek, which is located adjacent to the pump station and a review of site security.

**FISCAL IMPACT:**

This action will result in an additional expenditure of \$50,000 of which \$20,000 will be for Amendment No. 4, resulting in a revised total contract amount of \$2,671,937, and \$30,000 will be for related costs. Funding is available from CIP-40-911.3, South Bay Reclamation Sewer and Pump Station.

Mendes/Tulloch/MR

Aud. Cert. 2300210.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-101: Lake Hodges Water Easement.

(San Pasqual Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-300)

Authorizing the City Manager, or his designee, to execute an Easement Deed and Temporary Construction Easement Deed conveying permanent and temporary property rights to the Santa Fe Irrigation District for the construction of a water pipeline and access road;

Authorizing the City Manager, or his designee, to accept a Quitclaim Deed, executed by the Santa Fe Irrigation District, conveying back to the City the existing water pipeline easement;

Stating for the record that the City of San Diego, as Responsible Agency under CEQA, has reviewed and considered the final Supplemental Environmental Impact Report prepared by the Santa Fe Irrigation District prior to approving the project, and directing the City Clerk to file a Notice of Determination.

**CITY MANAGER SUPPORTING INFORMATION:**

The Water Department requests City Council approval of the conveyance of a water facility easement between the City of San Diego (City) and the Santa Fe Irrigation District (SFID). The conveyance involves the transfer of the existing easement (0.65 acres) across City property for the existing Lake Hodges Flume from (SFID) to the City which will be replaced with a new easement (0.34 acres) to be granted to SFID for a subsurface pipeline to replace the aging flume, which will be decommissioned by the SFID. Once construction is completed, SFID will transfer ownership of the new pipeline, from Lake Hodges Dam west to a proposed blow-off structure, to the City. This will provide the City with operational control of this pipeline segment. SFID will retain a permanent easement from the blow-off structure west to the City westerly property line.

The portion of the project within City jurisdiction requires issuance of a Site Development Permit (SDP) by the City due to impacts to Environmentally Sensitive Lands (ESL), as defined by the City's Land Development Code (LDC). Because the project occurs within the Lake Hodges Cornerstone Lands Multi-Habitat Planning Area, a SDP is also required to confer Third Party Beneficiary Status under the Multiple Species Conservation Program (MSCP) Implementing Agreement. The SDP, MSCP Third Party Beneficiary Status, and easement are City discretionary actions that require environmental review under the California Environmental Quality Act (CEQA). Therefore, the City is a Responsible Agency under CEQA.

The SFID certified a Final EIR for the project on April 16, 2001, but the FEIR did not identify the above-mentioned City discretionary actions nor was the City identified as a CEQA Responsible Agency. As such, the City determined that a Supplemental EIR (SEIR) is necessary to address these deficiencies in the previous FEIR. In addition, a SEIR is required due to the following changes: 1) expanded project description detailing the methodology for pipeline installation along the dam spillway; 2) reevaluation of biological resources within City jurisdiction for consistency with the City's Biology Guidelines; 3) modification of wetland mitigation to comply with the requirements of state and federal regulatory agency permits; and 4) explicit incorporation of mitigation measures allowing the City to find that the project conforms to MSCP requirements necessary to convey Third Party Beneficiary Status. The SEIR was certified by SFID at a public hearing held on July 25, 2002. The final SEIR was reviewed and considered by the City of San Diego Planning Commission on August 1, 2002, where the SDP was granted.

**FISCAL IMPACT:**

None.

Herring/Griffith/RAG

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-102: Funding for Harbor Drive/Railroad Crossing Bikeway Improvements.

(Barrio Logan Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-273)

Authorizing the City Manager, or his designee, to apply to SANDAG for funds in the amount of \$57,000 for funding the construction of Harbor Drive/Railroad Crossing Bikeway Improvements;

Authorizing the City Manager, or his designee, to take all necessary actions to secure funds from SANDAG;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2003 Capital Improvement Program Budget to increase it by \$57,000 in Fund No. 390066 Transportation Development Act (TDA), CIP-58-110.0, Harbor Drive/Railroad Crossing Bikeway Improvements;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend

the funds in CIP-58-110.0 for Harbor Drive/Railroad Crossing Bikeway Improvements, contingent upon receipt of funds from SANDAG;

Authorizing the City Manager, or his designee, upon advice from administering department to transfer excess budgeted funds, if any, to the appropriate reserves.

### **CITY MANAGER SUPPORTING INFORMATION:**

This action will authorize the City Manager to apply for and accept a total of \$57,000 in Transportation Development Act Funds from SANDAG for the design and construction of Harbor Drive/Railroad Crossing Bikeway Improvements (CIP-58-110.0).

Furthermore, it will authorize the appropriation and expenditure of \$57,500 in CIP-58-110.0 for the design and construction of Harbor Drive/Railroad Crossing Bikeway Improvements.

The existing Burlington Northern Santa Fe Railroad tracks currently cross Harbor Drive, west of 28th Street, at an extremely acute angle. The geometry of this crossing causes difficulties for bicyclists traversing the existing bike lanes along Harbor Drive and crossing the railroad tracks at this location. The Harbor Drive/Railroad Crossing Bikeway Improvements project will modify the existing bike lanes along Harbor Drive at the railroad crossing in such a way to allow bicyclists to cross the railroad tracks at less acute of an angle. This project is within Burlington Northern Santa Fe Railroad Company's (BNSF) right-of-way and requires their approval (already obtained) as well as a portion of the work (extension of concrete panel at the tracks) be done by them. SANDAG previously awarded the City a total of \$102,500 for the design and construction of this project. However, BNSF's portion of the work requires an additional \$57,000.

Construction of the project is expected to begin in December 2002 and be completed in June 2003.

### **FISCAL IMPACT:**

The amount of \$57,000 is available from Transportation Development Act funding, Fund 390066.

Loveland/Belock/PB

### **ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:**

\* ITEM-103: Additional Funding for South Bay Water Reclamation Plant.

(See memorandum from Scott Tulloch dated 7/24/2002. Tijuana River Valley Community Area. District-8.)

### **TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-228)

Authorizing the City Manager to execute Amendment No. 5 to the existing Agreement between the City of San Diego and Parsons Engineering Science, Inc., for design services and for support of the one-year performance evaluation and certification effort of the South Bay Water Reclamation Plant for an amount not to exceed \$350,000;

Authorizing the City Manager to negotiate and enter into a contract with Trojan Technologies, Inc., as a sole source, for an amount not to exceed \$150,000 for full operational field commissioning testing of the ultraviolet disinfection system at the South Bay Water Reclamation Plant;

Authorizing the expenditure of an amount not to exceed \$500,000 from Fund 41509, CIP-42-910.6, South Bay Water Reclamation Plant in the following manner: 1) an amount not to exceed \$350,000 for Parsons Engineering Science, Inc., Amendment No. 5; and 2) an amount not to exceed \$150,000 for services by Trojan Technologies, Inc., provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

On January 31, 1995, the City Council approved a contract with Parsons Engineering Science, Inc. (Parsons) for design and construction services, in the amount of \$7,076,786, for the 7 million gallon per day (mgd) South Bay Water Reclamation Plant (SBWRP). Subsequently, four amendments were approved to provide design and construction related services for the expansion of the SBWRP from 7 mgd to 15 mgd. Parsons total contract is currently \$10,275,778.

Construction of the SBWRP is complete and the plant is in the start-up phase. This project received a \$17 million construction grant from the Environmental Protection Agency. As a condition of that grant, Section 2.4(d) of the Clean Water Act requires that the owner of Wastewater Treatment Facilities constructed with Construction Grant Program funds certify that their facilities meet their performance standards by evaluating the operation for a one-year period.

This action is to request Amendment #5 to Parsons contract to provide for the following services: 1) assist the City in evaluating the performance of the SBWRP and prepare a process performance and capability report; 2) provide technical support services to operations and maintenance staff to improve plant operational efficiency and flexibility; and 3) assist in changes and modifications to the Effluent Pump Stations and related pumping and piping to support the distribution of reclaimed water to the International Boundary and Water Commission. The cost

for Amendment #5 is \$350,000.

Additionally, prior to the distribution of reclaimed water, the State of California Department of Health Services (DoHS), per Title 22,2000 Ultraviolet (UV) Guidelines, is requiring that a full operational field commissioning test of the UV disinfection system be performed and a detailed report prepared for all installations with a start-up after December 2000. This test is to validate the performance of the installed UV system.

Trojan Technologies, Inc. is the manufacturer of this UV system and they have prepared the testing protocol that is currently being reviewed by the DoHS. As the manufacturer of this equipment they have unique knowledge of the system and have conducted similar tests on other installed UV systems.

This action also requests approval of a contract with Trojan Technologies, Inc., for a not to exceed amount of \$150,000 to perform this commissioning test.

**FISCAL IMPACT:**

The total cost of Amendment #5 to the Parsons contract and the contract with Trojan is \$500,000. Funds are available in Sewer Fund 41509, CIP-42-910.6 South Bay Water Reclamation Plant.

Mendes/Tulloch/CW

Aud. Cert. 2300130.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-104: Two actions related to Water & Sewer Group Job 90 - Change Order No. 3 and Contingency.

(Eastern Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-132)

Approving Change Order No. 3, dated June 4, 2002, issued in connection with the contract between the City of San Diego and Ortiz Corporation amounting to a net increase in the contract price of an amount not to exceed \$69,534.97;

Authorizing the use of City Forces in an amount not to exceed \$192,000 for additional construction related to the project;

Authorizing the additional expenditure of an amount not to exceed \$145,236.16

from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement; and an amount not to exceed \$137,130.65 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for providing funds for Contract Change Order No. 3, engineering and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2003-133)

Declaring that the information contained in Mitigated Negative Declaration LDR-40-0313, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guidelines Section 15162 would warrant any additional environmental review in connection with approval of Water and Sewer Group Job 90, Change Order No. 3;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

#### **CITY MANAGER SUPPORTING INFORMATION:**

On November 13, 2000, the City Manager approved awarding the low base bid of \$1,791,559.50 to Ortiz Corporation for the construction of Sewer and Water Group 90, part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program.

The project is within the Eastern Community Planning Area and involved the replacement of approximately 13,300 linear feet of concrete sewer main and 3,100 linear feet of cast iron water main. The existing mains were installed in 1928, 1947, 1951, 1954, and 1964. Replacement of these mains will continue to provide the community with a safe and reliable infrastructure.

Contract Change Order No. 3 is required due to actual field measured quantities differing from the engineers original estimate. As built records used for design did not accurately reflect the actual number of sewer laterals and length of water main needing replacement. During construction it was decided that the lateral connections to rehabilitated mains should be sealed to prevent root intrusion.

Poor soil conditions encountered led to need for additional payment replacement and pavement crack sealing. The contractor also encountered unanticipated thick pavement sections in some areas which required additional work to remove. The funds requested for additional construction engineering are to cover the expense for conducting additional inspection for this additional work and project completion.

The additional City Forces costs are due to difficulties encountered when highlining (e.g., multiple water mains, night work, etc.), and performing additional cuts and plugs. The additional contingency requested is for project completion.



**FISCAL IMPACT:**

The total cost of this project is \$2,842,366.81 of which \$2,560,000 was previously authorized by Council Resolution R-293905. The additional request of \$282,366.81 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements in the amount of \$145,236.16 and Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements in the amount of \$137,130.65.

Loveland/Belock/HR

Aud. Cert. 2300222.

WWF-02-616.

**ADOPTION AGENDA, CONSENT ITEMS****RESOLUTIONS:**

- \* ITEM-105: Amending the 2002 Legislative Calendar to schedule a Night City Council Meeting on September 23, 2002 at 5:00 p.m.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-349)

Declaring that the night City Council meeting shall be conducted at the Balboa Park Club (Ballroom), 2150 Panamerican Road West, San Diego, CA 92101, to commence at 5:00 p.m., pursuant to the authority and provisions of Rule 1(d) of the Permanent Rules of the Council, set forth in Section 22.0101 of the San Diego Municipal Code;

Declaring that the regularly scheduled 2:00 p.m. City Council meeting is canceled.

**ADOPTION AGENDA, CONSENT ITEMS****RESOLUTIONS:**

- \* ITEM-106: Lawsuit Abuse Awareness Week.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-321)

Proclaiming September 30 through October 5, 2002 as "Lawsuit Abuse

Awareness Week” in the City of San Diego.

**SUPPORTING INFORMATION:**

The Justice System of the United States was established to preserve our American liberties, such as freedom of speech, freedom of religion, freedom of the press, freedom of petition and due process of law, and the right to a trial by a jury of our peers. Justice for a citizen whose rights have been violated depends on the ability of the court to serve the victim in a timely manner. The ability of the court system to administer justice is severely hampered by meritless and frivolous lawsuits. Abuse of the legal system places a drain on our economy as well as our community by raising taxes, eliminating jobs, and imposing exorbitant costs on our local businesses. It is imperative that every elected representative seeks sensible reforms which will discourage the filing of frivolous lawsuits, reduce litigation costs, and protect victims from outrageous contingency fees. The jury process works to safeguard the justice system by holding the government to the principles of its constitution. The dedicated work of the Citizens Against Lawsuit Abuse (CALA) plays an integral role in restoring fairness and balance to the civil justice system by encouraging citizens to serve on a jury when called. CALA’s mission is to educate the public about the human and financial costs of lawsuit abuse and therefore create a climate for change. Therefore, be it resolved by the Council of the City of San Diego, that this council, for and on behalf of the citizens of San Diego, hereby proclaims September 30 through October 5, 2002 as “Lawsuit Awareness Week” in the City of San Diego.

Maienschein/BE

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-107: Save the Bay Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-348)

Recognizing San Diego BayKeeper for sponsoring Save the Bay Day and for serving as environmental stewards;

Proclaiming September 21, 2002 to be “Save the Bay Day” in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-108: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-287)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-109: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-05)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-110: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-346)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

#### ADOPTION AGENDA, CONSENT ITEMS

##### RESOLUTIONS:

\* ITEM-111: Ebony Pride Day.

#### COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-329)

Commending Ebony Pride, Inc. for their commitment to San Diego's LGBT community and congratulating them on their first annual Ebony Pride Festival;

Proclaiming September 21, 2002 to be "Ebony Pride Day" in the City of San Diego.

#### ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

##### RESOLUTIONS:

ITEM-200: Metropolitan Operations Center (MOC) Photovoltaic System: Award Design/Build Contract.

(Kearny Mesa Community Area. District-6.)

#### CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-306)

Authorizing the City Auditor and Comptroller to amend the Capital Improvement Program budget to add CIP-45-957.0, MOC Photovoltaic System, in accordance with the Fiscal Year 2003 Annual Appropriation Ordinance;

Authorizing the City Manager to execute a design/build agreement with Kerr Enterprises, Inc., for a photovoltaic electric power generation system at the City's Metropolitan Operations Center;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$382,888 within Fund 41509, from CIP-46-055.0, FIRP Pump Station, to CIP-45-957.0, MOC Photovoltaic System;

Authorizing the expenditure of an amount not to exceed \$419,177 to provide funds as follows: \$382,888 from Fund No. 41509, CIP-45-957.0, MOC Photovoltaic System, for the agreement and related costs; and \$36,289 from Fund No. 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency, for project contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

### **CITY MANAGER SUPPORTING INFORMATION:**

This Photovoltaic Design/Build project includes the design and installation of a 30KW electric power generation system at the Metropolitan Operations Center (MOC). Since the photovoltaic system utilizes the sun as its source of energy, solar collectors will be installed on the roof of the existing Metropolitan Wastewater Department (MWWD) MOC-3 facility. The photovoltaic design build will provide approximately 20% of the MOC-3 electrical requirements with provisions for future expansion.

This photovoltaic system will connect to the existing electric switch gear and will also be connected to the utility grid. The photovoltaic silicon wafer solar collector panels will be mounted on ballast weighted racks which require no roof penetrations. Minor improvements necessary for system operation and maintenance purposes will also be constructed with this contract.

The contractor selection process involved the short-listing of five firms by an Environmental Services Department and MWWD panel. Two of the five short-listed firms responded to the MWWD Request for Proposals. The selected firm was determined by MWWD in accordance with City Charter Section 94.2 and Municipal Code Section 22.3303 requiring competition. The design and build firm of Kerr Enterprises, Inc. is recommended by the MWWD selection panel for award of a contract in the amount of \$362,888 to design and install this system.

This system's performance and maintenance costs will be monitored. This information will be utilized by MWWD to evaluate if additional photovoltaic systems should be implemented in the future for energy production or to assist future projects conform with anticipated sustainable building requirements.

This system is expected to produce 58,366 kwh of electricity per year and reduce energy costs by \$10,200 annually, based on projected energy rates. The project will contribute to the Mayor's commitment to long term energy independence. A \$135,000 grant from the San Diego Regional Energy Office will reduce MWWD's design and construction costs to \$247,888.

### **FISCAL IMPACT:**

The total estimated cost of this action is \$419,177 of which \$382,888 is from Fund 41509, CIP-

45-957.0, MOC Photovoltaic system, for construction and related costs and \$36,289 is available from Fund 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency, for project contingency.

Mendes/Tulloch/TRA

Aud. Cert. 2300214.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-201: Approval of Documents - Water System Financing Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-316)

Authorizing execution and delivery of a Continuing Disclosure Agreement, a Purchase Contract and an Official Statement relating to an Installment Purchase Financing and approving certain actions in connection therewith.

**CITY MANAGER SUPPORTING INFORMATION:**

On August 5, 2002, the City Council adopted an ordinance approving the form of and authorizing the execution and delivery of the financing documents necessary to issue bonds to finance the second phase of the approved Water System Capital Improvements Program.

With today's action, the Council approves the Preliminary Official Statement, the Continuing Disclosure Agreement and the Bond Purchase Agreement, all of which are necessary to issue the bonds, which are expected to be sold during the second week of October.

**FISCAL IMPACT:**

None.

Frazier/Vattimo/CR

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**